

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12545, of Theodore R. Hagans, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 3301.1 for prescribed lot area and width and for a variance from the prohibition against creating a lot that does not conform to the Zoning Regulations (Sub-section 1302.2) to convert seven apartment buildings into fourteen dwellings not meeting the floor area ratio and lot occupancy requirements of the R-5-A District at the premises 2901-2919 Denver Street and 2601-2607 30th Street, S.E., (Square 5643, Lots 19-25).

HEARING DATE: January 18, 1978

DECISION DATES: January 18, 1978 (Bench Decision) & March 1, 1978

FINDINGS OF FACT:

1. The subject property is located at the corner of 30th Street and Denver Street, S.E., and is known as 2901-2919 Denver Street and 2601-2607 - 30th Street, S.E., and is in an R-5-A District.

2. Directly across the street to the east is park land (U.S. Reservation 627) and to the north is a parking lot serving the Sears store on Alabama Avenue. The property abuts an apartment building complex extending to the south and to the west. The adjoining apartment building complex consists of thirty apartment buildings similar to those on the subject site.

3. The applicant proposes to convert seven existing apartment buildings into seven row houses and seven semi-detached houses. Each apartment building will be converted into two townhouses, creating a total of fourteen single family dwellings.

4. The applicant proposes that the subject land on which the buildings are located be subdivided so that each townhouse will be located on a separate lot.

5. The proposed fourteen lots will range in area from 1,424 square feet to 4,426 square feet. Only four lots will be less than 1,800 square feet in area. The widths of the proposed lots will range from 20.5 feet to thirty-five feet with the majority of the lots having a width between twenty and twenty-six feet.

6. Variances from the lot occupancy requirements will be required to the extent of six per cent and twenty per cent on two lots, marked L and M on the site plan submitted (Exhibit 7). Also, a variance to the extent of six per cent will be required from the FAR requirements for one lot, marked M on the site plan submitted.

7. The proposed lot sizes are determined by the size and shape of the total site and the location of the buildings on the site.

8. The proposed conversion of the apartment buildings to row and semi-detached houses will reduce the existing twenty-nine units to fourteen units. Approximately twenty-seven of the units are now occupied by tenants.

9. The contemplated sales price of the new houses is \$47,000.

10. The applicant testified as to and later submitted in writing, marked as Exhibits 18 and 20 in the record, plans to relocate the tenants displaced by the subject conversion and their option to purchase one of the proposed newly created subject houses. The relocation plans were submitted to and approved by the Board.

11. The Municipal Planning Office, by report dated January 12, 1978, recommended approval of the application on the grounds that it did not anticipate any adverse impact on the present character and future development of the neighborhood if the application were granted.

12. There was no opposition to the application at the public hearing, nor of record.

13. Advisory Neighborhood Commission 7B filed no recommendation on the application.

CONCLUSIONS OF LAW:

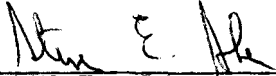
The proposed conversion is in conformity with the surrounding neighborhood. The Board is of the opinion that the location, size and shape of the lots, the existing improvements and the proposed conversion present issues of a practical difficulty. The Board concludes that the variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board is also aware that the conversion and sale of the

fourteen units in fee simple will serve to stabilize the neighborhood, further the District of Columbia's policy of improving existing housing and increase the opportunity for home ownership. The Board is mindful of the potential problems caused by displacement of the existing tenants, and believes that the applicant has made a good faith effort to assist the present tenants. Accordingly, it is ORDERED that the application is GRANTED subject to the CONDITION that the plans for the relocation of the displaced tenants, submitted to and approved by the Board, marked as Exhibits 18 and 20 and attached hereto are made a part of this Order.

VOTE: 4-0 (Charles R. Norris, Chloethiel Woodard Smith,
William F. McIntosh and Leonard L. McCants).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

7 MAR 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.



HAGANS MANAGEMENT COMPANY 1319 F STREET, N.W./WASHINGTON, D.C. 20004/(202) 737-9500

January 24, 1978

Mr. Leonard C. McCants, Chairman
Board of Zoning Adjustments
1350 E Street, Northwest, Suite #9-A
Washington, D. C. 20004

Re: BZA Case No. 12545
2601 thru 2605 30th Street, Southeast
2901 thru 2919 Denver Street, Southeast
Washington, D. C.

Dear Mr. McCants:

We are writing in reference to the above Case which is now before the Zoning Adjustment Board. If the pending request for a zoning change is granted, we propose the following schedule of benefits to be given to the current tenants.

I. Relocation Assistance

A. Each tenant shall receive, pursuant to the District of Columbia's Rental Accomodations Act, a ninety day notice to quit the premises to give the tenants an opportunity to find alternate housing. These notices will be either hand delivered or sent by certified mail to insure that the tenants have actual notice of the necessity to vacate. A copy of the proposed notice is attached to this letter.

B. Along with the ninety day notice, we are providing each tenant with a listing of apartment complexes under our management and the name of the person to contact. We are also listing our Management Agent for the above rental (at the present time) properties as well as the name of the individual who will help them with their rental properties available at that time. Any conflict among the tenants as to securing apartments from these listings shall be resolved on the basis of seniority in the apartment complex.

C. We also agree to refund any tenants security deposit within forty-eight hours of being notified that the tenancy is terminated.

District of Columbia

Case 12545

Exhibit 18

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Mr. Leonard C. McCants, Chairman
January 24, 1978
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II. Priority in Purchase of Homes

A. We have agreed to notify all former tenants who have provided the Applicant with a forwarding address two weeks before the new homes are placed on the real estate market. This will afford former tenants an advanced opportunity to arrange for financing and submit a contract offer should the tenant desire to purchase one of the new homes. A copy of this proposed notice is attached.


B. The Applicant agrees to give all former tenants priority over other prospective purchasers, provided the written contract offer is identical and the tenant's offer is presented prior to the acceptance of the offer of any competing purchaser.

C. Should a dispute arise among tenants submitting identical contract offers for the same unit, such dispute shall be resolved in favor of the tenant having the longest occupancy in the complex.

Should the Board have any additional suggestion for tenant relocation assistance, the Applicant would be willing to attempt to implement the recommendations.

Sincerely,

HAGANS MANAGEMENT COMPANY, INC.



Theodore R. Hagans, Jr.
President

TRH/jg

Attachments



HAGANS MANAGEMENT COMPANY 1319 F STREET, N.W./WASHINGTON, D.C. 20004/(202) 737-9500

February 7, 1978

Mr. Steven E. Sher
Executive Director
Board of Zoning Adjustment
Government of the District of Columbia
1350 E Street, Northwest, Suite 9-A
Washington, D. C. 20004

Re: BZA Application No. 12545
Conversion of Seven Apartment
Buildings to Fourteen Dwellings

Dear Mr. Sher:

This letter comes in reply to your letter of February 2, 1978. We previously had not proposed to provide direct financial assistance for tenants vacating during the ninety day notice period. This position was taken because one of the buildings is presently unoccupied and the ninety day notice to those units occupied could effectively be extended beyond ninety days due to the time of planned rehabilitation. In order to better clarify our position in this regard, we now propose to provide the last month's rent, or its equivalent, in cash at the time of vacating, for those tenants who occupy for the full ninety day period. These are one bedroom apartments for which the monthly rent is \$130.00. These rents are expected to be raised 10% by April 1, 1978. The schedule of monthly rents of units listed are as follows:

Park 3500 (Cavalier):

Efficiencies:	\$145.00
1 Bedroom Apartments:	\$172.50
2 Bedroom Apartments:	\$215.00 to \$225.00

Park Monroe:

Efficiencies:	\$170.00 to \$176.00
1 Bedroom Apartments:	\$242.00 to \$248.00

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DISTRICT OF COLUMBIA

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Mr. Steven E. Sher

February 7, 1978

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6630 and 6632 Georgia Avenue, Northwest:

1 Bedroom Apartments: \$137.00 to \$165.78

2 Bedroom Apartments: \$169.50 to \$174.00

Fort Totten Apartments:

Efficiencies: \$110 to \$112.72

1 Bedroom Apartments: \$148.72 to \$168.00

2 Bedroom Apartments: \$152.72 to \$162.75

Penn Southern Apartments:

Efficiencies: \$180.00

1 Bedroom Apartments: \$205.00 to \$220.00

2 Bedroom Apartments: \$225.00 to \$240.00

3 Bedroom Apartments: \$260.00

Stonegate Apartments:

Efficiencies: \$180.00

1 Bedroom Apartments: \$195.00 to \$205.00

2 Bedroom Apartments: \$215.00 to \$225.00

3 Bedroom Apartments: \$260.00

South Hill Apartments:

Efficiencies: \$200.00

1 Bedroom Apartments: \$245.00


Penthouse \$315.00

There is a monthly turn over in rentals in each of the apartment buildings.

If there is additional information needed, please advise.

Sincerely,

HAGANS MANAGEMENT COMPANY, INC.


Theodore R. Hagans, Jr.
President

TRH/jg


(Date)

Re: Occupancy of (Address) _____

This letter comes as your ninety day notice requesting that you move from your present address. We are in the process of renovating these apartments into new single family dwellings.

If you have made a Security Deposit on your present address, we agree to return the Security Deposit to you within forty-eight hours of being notified that you have left the apartment. You should notify us at the above address of your intent to vacate. Should you have any questions concerning this notice, please advise.

Sincerely,



Theodore R. Hagens, Jr.
President

TRH/jg



HAGANS MANAGEMENT COMPANY 1319 F STREET, N.W./WASHINGTON, D.C. 20004/(202) 737-9500

(Date)

The following is a listing of apartment complexes which should have vacancies during the period of your relocation from your present apartment. These buildings are managed by our company and Mrs. Mary White, at the above number, will be available to give you any information on the number and type of vacancy at each address.

The Cavalier Apartments
3500 Fourteenth Street, Northwest

Park Monroe
3300 Sixteenth Street, Northwest

6630 Georgia Avenue, Northwest
6632 Georgia Avenue, Northwest

Penn Southern Apartments
4107 thru 4169 Southern Avenue
Boulevard Heights, Maryland

South Hill Apartments
4105 Southern Avenue
Boulevard Heights, Maryland

Stonegate Apartments
3900 thru 3946 Stonegate Drive
Boulevard Heights, Maryland

Fort Totten Apartments
4860 Fort Totten Drive, Northeast
Washington, D. C.

You may also contact Mr. Dennis Burke, Vice President of The Robert T. Foley Company who is now your present management agent at 654-2230.



HAGANS MANAGEMENT COMPANY 1319 F STREET, N.W./WASHINGTON, D.C. 20004/(202) 737-9500

January 25, 1978

I have received the Final Relocation Plan for the tenants located at Alabama Gardens (2601-2607 30th Street and 2901 - 2919 Denver Street, Southeast).

Loretta A. Gadden
Signature

NAME

LORETTA A. GADDEN

ADDRESS

2909 DENVER ST. S.E. #3

DATE

January 25, 1978

TELEPHONE #

1 575-4941